IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 8951 of 2004

Between:

P.R.S.M.National Junior College, Vijayawada rep.by its

Correspondent, P.Kanaka Durga Prasad

..... PETITIONER

AND

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1 The Commissioner of Intermediate Education, Andhra

Pradesh, Hyderabad.
2 The District Vocational Educational Officer, Eluru, West

Godavari District.
3 State of Andhra Pradesh rep. by its Principal Secretary

to Government, Higher Education Department,
Secretariat Buildings, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or Order or direction more particularly one in the nature of Writ of Mandamus declaring as illegal, arbitrary, unconstitutional and in violation of law the proceedings in Rc.No.Admn.I-3/3867/02 dated 15-04-2004 issued by the 1st respondent and issue a consequential direction that the 1st respondent has no authority to appoint a Special Officer.

Counsel for the Petitioner: MR.D.V.SITARAMAMURTHY

Counsel for Respondents 1 & 2: MR.S.S.PRASAD

Counsel for Respondent No.3: G.P. for Higher Education.

The Court at the admission stage made the following :

ORDER:

The main ground on which the impugned order passed by the first respondent dated

15-4-2004 removing the petitioner for non-submission of explanation to the show cause notice under Section 24 (3) of the Education Act, and appointing the District Vocational Educational Officer as Special Officer, is that the show cause notice has not been served on the petitioner before passing the impugned order.

The outward register produced by the learned Government Pleader for Higher Education discloses that the said show cause notice dated 11-12-2002 was dispatched by the dispatch section of the first respondent office on 19-12-2002 to the petitioner on the same address as noted in the record. In view of the same, it is presumed that the show cause notice was sent to the correct address and it was received by the petitioner. In the counter affidavit it is stated that in pursuance of the impugned order the Special Officer has taken charge on 1-5-2004 itself. If the petitioner aggrieved by the said order, he is at liberty to file an appeal under Section 81 of the Education Act before the Government and can seek appropriate relief.

The Writ Petition is accordingly disposed of at the admission stage.

A. Gopal Reddy, J.

3rd November, 2004.

Js.

ASSISTANT REGISTRAR

To

1 The Commissioner of Intermediate Education, Andhra

Pradesh, Hyderabad.
2 The District Vocational Educational Officer, Eluru, West

Godavari District.
3 State of Andhra Pradesh rep. by its Principal Secretary

to Government, Higher Education Department,
Secretariat Buildings, Hyderabad.

4 2 CCs to G.P. for Higher Education, High Court Buildings,

Hyderabad.

5 2 CD copies.